

REMARKS

No amendments have been made to claims 1-5 and 7, which remain pending in the present application.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-3 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Takatani, et al. (U.S. Pub. No. 2005/0227616). Applicant respectfully traverses this rejection.

Applicant's Claim 1 recites, in part:

"at a timing other than a timing when a time division communication is operated in the wireless communication terminal, the relay signals are code-multiplexed with the other relay signals."

That is, a first time slot is used for a typical call, while a (single) second timeslot can be used for not only a single relay (for a single second terminal 30) but also for multiple relays (for multiple second terminals 30) by using CDMA without using other timeslots, such as third and fourth timeslots.

Takatani US 2005/0027616 in paragraph [0064] states, "It will be appreciated that the second terminal 6 may be able to relay signals for a plurality of terminals simultaneously." Takatani makes his statement in a paragraph that pertains to TDMA, not CDMA. Furthermore, in paragraph [0064], Takatani does not disclose "one time slot is used for multiple terminals simultaneously." This is different from applicant's Claim 1.

While Takatani states in paragraph [0086], as pointed out by the Examiner in the Final Office Action of June 7, 2006, that "It will be appreciated that many modifications

may be made to the embodiment hereinbefore described. For example, any type of mobile communications networks may be used." the applicant believes that Takatani is not referring to code-multiplexing (CDMA), to which applicant's claimed invention incorporates. Takatani does not disclose, teach or suggest code-multiplexing. To the contrary, the applicant believes that Takatani is referring to other communications networks that, for instance, divide the channel solely by time (TDMA), to which his disclosure is directed.

Thus, applicant believes Claim 1, as previously amended and currently presented, patentably distinguishes over the art of record. Likewise, claims 2, 3 and 7, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatani, et al. (U.S. Pub. No. 2005/0227616) in view of Nakamura, et al. (U.S. Pub. No. 2003/0012294). Applicant respectfully traverses this rejection.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatani, et al. (U.S. Pub. No. 2005/0227616) in view of Ando (U.S. Pub. No. 2005/0141463). Applicant respectfully traverses this rejection.

As stated above, arguments distinguishing Claim 1 from the cited art have been presented and therefore, Claim 1 is believed to patentably distinguish over the cited art. Thus, claims 4 and 5 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 29 Aug 06

By:


Michael J. Schmidt
Reg. No. 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS:MDF:mhe